

76



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,374	01/22/2001	James Thompson	5285-06300	2543

7590 03/27/2006
 Jeffrey C. Hood
 Meyertons, Hood, Kivlin, Kowert & Goetzel PC
 P.O. Box 398
 Austin, TX 78767-0398

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,374	THOMPSON ET AL.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 146-177, 179-221, 256-279 and 283-302 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 146-177, 179-221, 256-279 and 283-302 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 1/17/2006 has been placed of record in the file.
2. Claims 153, 162, 175, 177, 182, 183, 201, 216, 218, 219, 221, 256-279, 285, 287, and 295 have been amended.
3. The rejection of claims 256-279 under 35 U.S.C. 101 is withdrawn in view of the amendment.
4. Claims 146-177, 179-221, 256-279, and 283-302 are now pending.
5. The applicant's arguments with respect to claims 146-177, 179-221, 256-279, and 283-302 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Response to Amendment

6. Claims have been amended to overcome the rejection under 35 U.S.C. 101 and to make minor adjustments to the wording of several claims. The amendments do not prove a change in scope to the limitations of the independent claims or to any of the claims explicitly discussed in the remarks.

Claim Rejections

7. Claim 286 remains rejected under 35 U.S.C. 102(e) as being anticipated by Meier (U.S. Patent Number 6,847,620) as presented in the previous action dated 12/19/2005. Claims 146-177, 179-190, 192-210, 212-221, 256-279, 283-285, and 287-302 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Delaney et al. (U.S. Patent Number

Art Unit: 2152

6,937,574), hereinafter referred to as Delaney as presented in the previous action dated 12/19/2005. Claim 191 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Delaney further in view of IEEE Std 802.1 1-1997 as presented in the previous action dated 12/19/2005. Claim 211 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Delaney further in view of Official Notice as presented in the previous action dated 12/19/2005.

Response to Arguments

8. In the remarks, the applicant has argued:

- <Argument 1>

The combination of Meier and Delaney does not disclose the features of claim 146 because it does not disclose “the first access point determining the first VLAN of the plurality of possible VLANs for the portable computing device after receiving the identification information” as recited in claim 146.

- <Argument 2>

The combination of Meier and Delaney does not disclose the features of claim 146 because it does not disclose “wherein each of at least a subset of the plurality of possible VLANs corresponds to a respective network service provider” as recited in claim 146.

9. In response to argument 1, the combination of Meier and Delaney does disclose the first access point determining the first VLAN. The previous line citation to Meier, column 10, lines 14-19, clearly states that VLAN access points process registration requests from guest stations and create or update a VLAN table entry. Thereby, the access point has determined and

Art Unit: 2152

registered the VLAN. Here it is noted that the applicant has not addressed this citation in the remarks although it was cited as meeting the limitation in question. Thus it is unclear why the applicant feels the claim is patentably distinguished over the prior art since no attempt has been made to explain any difference between the claim language and the part of the prior art cited as being directly related to the limitation.

10. In support of argument 1, the applicant has stated that “Meier’s observation that it is possible for an access point to add or delete a tag header in frames does not suggest or imply an act of ‘determining a VLAN’ as recited in Claim 146.” It is unclear how this statement has anything to do with the limitation at hand as the previous rejection makes no attempt to align Meier’s manipulation of a tag header with the claimed determining step.

11. In response to argument 2, the combination of Meier and Delaney does disclose each VLAN corresponding to a network service provider. The previous line citation to Delaney, column 14, lines 33-44, clearly states that each ISP participates in one VLAN identifier space, where each VLAN identifier space exists for each distinct CVLAN. Delaney clearly teaches each ISP router having its own dedicated VLAN identifier space. The Carrier VLAN (which can provide a distinct service for customers in isolation from other VLANs) clearly corresponds to a distinct VLAN identifier space and distinct ISP. Here it is noted that the applicant has not addressed this citation in the remarks although it was cited as meeting the limitation in question. Thus it is unclear why the applicant feels the claim is patentably distinguished over the prior art since no attempt has been made to explain any difference between the claim language and the part of the prior art cited as being directly related to the limitation.

12. In support of argument 2, the applicant has stated that "Delaney's invention concerns a single NSP providing a number of VLANs." However, it is noted that Delaney uses the term NSP in view of his entire localized network as a whole. His system clearly allows for multiple service providers to be active with his network as his localized network has the ability to communicate with other external networks. Again, the previous line citation has not been discussed by the applicant.

13. In addition, the applicant has argued that claims rejected under 35 U.S.C. 102 and 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

14. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2152

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER